HONOURABLE SRI JUSTICE

B. SESHASAYANA REDDY

WRIT PETITION NO.22584 OF 2005

Dated 10-11-2005

Between :

Anil Vikram Kamalla son of Bala Sundaram K., aged 22 years, Occupation : Student of M.V.S.R.Engineering College, Hyderabad, resident of H.No.6-3-251/3, Erramanzil Colony, Hyderabad.

Petitioner.

And:

Osmania University represented by its Registrar, Hyderabad.

Respondent.

ORDER :

This writ petition has been filed by Anil Vikram Kamalla assailing the action of the respondent in not permitting him to write B.E.(Civil) fourth year 1st Semester examination.

2. The petitioner is a student of Engineering. He is studying B.E. course in MVSR Engineering College, Hyderabad. The petitioner took admission into M.V.S.R. Engineering College, Hyderabad during the year 1998-99. He cleared 33 subjects out of 44 subjects. Since the respondent-University has not permitted him to appear for 4th year first Semester examination, he has chosen to approach this Court by invoking jurisdiction under Article 226 of the Constitution of India with a prayer stated supra.

3. It appears that on an earlier occasion, the petitioner filed W.P. No.16876 of 2005 seeking direction to the respondent-University to permit him to attend 4th year I Semester classes of B.E. (Civil) the self same relief. The said writ petition came to be disposed of on 03-08-2005. The order passed in the said writ petition reads as follows:

> "The writ petition has been filed by the writ petitioner-student seeking direction to the respondent to permit him to attend the 4th year 1st semester classes of B.E.(Civil) and appearing for the B.E.(Civil) 4th year 1st semester examinations and complete the course.
>
> The grievance of the petitioner is that he was not permitted by the respondent-University to attend the 4th year 1st semester classes of B.E. on the ground that he has not passed the minimum subjects as required under the rules. On the earlier occasion, this matter has been heard at length, and thereafter it is represented that the petitioner along with other members made a representation dated 02-08-2005 to the respondent-University. In view of the said representation, they sought for a direction to the respondent-University to consider their representation without going into the merits of the contentions raised in the writ petition.
>
> Heard both parties and perused the material available on record.
>
> In view of the said representation, the writ petition is disposed of directing the respondent-University to dispose of the representation of the petitioner dated 02-08-2005 expeditiously."

4. The present writ petition is filed assailing the action of the respondent-University in not permitting him to take 4th year 1st semester examination.

5. Heard the learned counsel for the petitioner and the learned standing counsel appearing for the respondent.

6. The learned counsel for the petitioner submits that out of 44 papers in B.E., 1st year,2nd year and 3rd year, the petitioner has cleared 33 papers and therefore, he has completed 50% of the total number of papers prescribed for III year B.E. Course. And therefore, he is eligible for taking 4th year 1st semester examination. He has placed on record the statement showing the subject-wise pass.

7. The learned Standing Counsel appearing for the respondent-University submits that the representation of the petitioner came to be disposed of in view of the direction given in Writ Petition No.16876 of 2005 and the petitioner suppressing the memo issued by the respondent-University has filed the present writ petition. The

learned counsel further submits that what is required is that a student should not have back log of more than 50% of the total number of papers in B.E. I,II and III year put together. What he means to say is that the total number of papers, a student is required to appear in B.E. 3rd year are 16 (1st semester 8 and 2nd semester 8) and total number of back log papers shall not be more than 50% which includes the back log papers in 1st year, 2nd years and 3rd year. He refers the Revised Rules of promotion for B.E.(Regular & PTDC/FDH). The relevant portion of the revised rules needs to be extracted and it is thus:

REVISED RULES OF PROMOTION FOR B.E. (Regular & PTDC/FDH)

Sl. No. Semester/Class Conditions to be fulfilled for.

5. From II Sem.of BE III yr. a) Regular Course of study of

To I Semester of IV year II Sem. Of BE III year.

b) No. of backlogs, if any of BE

1, BE 11 & BE III years put

together shall not exceed to

50% of the total number of

papers prescribed for the I

& II Semester of BE III

year.

No. of papers prescribed for No. of backlogs permitted in BE

I & II Sem. Of BE III yr. I, II & III yr. put together.

14 7

15/16 8

17/18 9

8. Admittedly, the total number of papers in BE III year are 16. The petitioner has to clear 11 back log papers which includes two papers in BE 2nd year 1st Semester, one paper in BE 2nd semester, 4 papers each in 1st and 2nd Semesters of 3rd year. Thus the total number of back log papers which the petitioner has to clear exceeds

50% of the total number of papers prescribed for B.E. III year. Therefore, the petitioner is ineligible to appear B.E. 4th Year 1st Semester Examination.

9. In the result, this writ petition is devoid of merits and therefore, the same is dismissed. No costs.

_____

Justice B. SESHASAYANA REDDY

Date : 10-11-2005

Dvs

HONOURABLE SRI JUSTICE

B. SESHASAYANA REDDY

WRIT PETITION NO. 22584 OF 2005

Dated 10-11-2005